

## REMARKS

Applicants respectfully request reconsideration of the pending claims in view of the forgoing amendments and the following remarks. The Examiner rejected each of claims 6 and 10-14, the only claims pending in the application. Claims 6, 10, 12, and 13 have been amended without adding new matter. Accordingly, claims 6 and 10-14 are respectfully resubmitted for further consideration.

**1. Rejection of Claims 6 and 10-14 for Double Patenting**

The Examiner rejected claims 6 and 10-14 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 1 of U.S. Patent No. 6,328,714 ("Bellhouse '714") in view of U.S. Patent No. 5,630,796 ("Bellhouse '796"). For the following reasons, Applicants respectfully traverse this rejection.

As amended, claim 6 recites (with emphasis added): "a cylindrical *particle filter* medium which fits over and substantially surrounds the elongate particle acceleration nozzle and rests upon the external shoulder provided by the flange." As amended, claim 10 (from which claims 11 and 12 depend) recites (with emphasis added): "a nozzle comprising a cylindrical *particle filter* medium." Similarly, as amended, claim 13 (from which claim 14 depends) recites (with emphasis added): "a cylindrical *particle filter* medium which fits over and substantially surrounds the nozzle and rests upon the external shoulder provided by the flange."

The Examiner admits that claim 1 of Bellhouse '714 fails to teach the recited needleless syringe and nozzle limitations. To cure this deficiency, the Examiner relies on Bellhouse '796. With respect to Bellhouse '796, the Examiner cites to the cylindrical *silencer* part 39 in Bellhouse '796 as providing a teaching for the recited *particle filter* limitation abutting an annular flange. Clearly, this is not true.

The recited cylindrical particle filter medium acts to filter *particles* that may "rebound from the target surface and be dispersed with the spacer shroud" 12. *See, e.g.*, page 10, lines 4-15. By way of contrast, the silencer part 39 in Bellhouse '796 acts to quiet the sonic boom of the injection. *See* U.S. Pat. No. 5,630,796 at col. 9, lines 9-25 (*i.e.*, the same passage previously cited by the Examiner). Further, the cylindrical silencer part 39 comprises large exhaust outlets 42 through which the shockwave exits. *See id.* at col. 12, lines 62-64; col. 13, lines 28-34; and Fig. 2. Clearly, the exhaust outlets 42 are too large to serve as particle filters. As a result, the prior art structure shown in Bellhouse '796 is incapable of performing

the intended use of the particle filter recited in claims 6, 10, and 13. For at least these reasons, Bellhouse '796 fails to cure the deficiencies of Bellhouse '714.

Accordingly, as Bellhouse '796 fails to cure the deficiencies of claim 1 of Bellhouse '714, the rejection for obviousness type double patenting of claims 6, 10, and 13 should be withdrawn. Moreover, as claims 11 and 12 depend from claim 10 and as claim 14 depends from claim 13, the obviousness type double patenting rejection of each of these dependent claims should also be withdrawn, without regard to the other patentable limitations recited therein. Accordingly, Applicants earnestly solicit a withdrawal of the obviousness type double patenting rejection of claims 6 and 10-14.

## **2. Rejection of Claims 6 and 13**

The Examiner rejected claims 6 and 13 under 35 U.S.C. § 102(b) as being anticipated by Bellhouse '796. Applicants respectfully traverse this rejection.

As previously discussed, claim 6 recites (with emphasis added): “a cylindrical *particle filter* medium which fits over and substantially surrounds the elongate particle acceleration nozzle and rests upon the external shoulder provided by the flange.” Similarly, claim 13 recites (with emphasis added): “a cylindrical *particle filter* medium which fits over and substantially surrounds the nozzle and rests upon the external shoulder provided by the flange.” The Examiner cites to the cylindrical *silencer part* 39 as teaching this recited particle filter limitation. For the reasons previously stated, the silencer part 39 can not be analogized to the recited particle filter limitation.

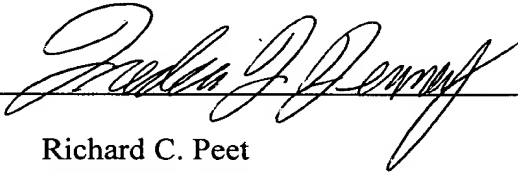
Therefore, as Bellhouse '796 fails to teach or suggest each of the limitations of claims 6 and 13, it can not be used to reject the claims under 35 U.S.C. § 102(b). Accordingly, Applicants respectfully solicit a withdrawal of the rejection of claims 6 and 13 under § 102(b).

### CONCLUSION

For the aforementioned reasons, claims 6 and 10-14 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HEREWITH, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HEREWITH, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.